



Public Service Commission of Wisconsin

Daniel R. Ebert, Chairperson
Robert M. Garvin, Commissioner
Mark Meyer, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

August 25, 2006

Re: Application of American Transmission Company to Construct a
New 138 kV Line from the North Madison Substation to the
Huiskamp Substation in the Towns of Vienna and Westport and the
Village of Waunakee in Dane County, WI

137-CE-139

To the Person Addressed:

You recently requested full party status in Docket No. 137-CE-139, regarding the American Transmission Company's application to construct a new 138 kV line from the North Madison Substation to the Huiskamp Substation. This letter describes the differences between participating in the Commission proceeding as a full party in the technical hearing compared to participating as member of the public at the public hearing. You may find this information helpful in deciding whether you wish to participate as a full party or as a member of the public.

Participating in a Commission Proceeding As a Full Party

Under the Commission rules, the Administrative Law Judge will determine whether you will be admitted to this proceeding as a full party. See the attached copy of Wis. Admin. Code § PSC 2.21.

If you are granted full party status, you will be responsible for prefilng your testimony and exhibits on the schedule set by the administrative law judge at the prehearing conference, and serving copies of your testimony, correspondence, or documents to all persons on the service list and as many copies to the Commission as are specified by the administrative law judge. Your testimony will be limited to the issues determined at the prehearing and must be given at technical hearings, not at the hearings for the public. You must appear at the technical hearing and must be available for cross-examination by the other parties. During the proceeding, you will receive copies of prefled testimony and exhibits, transcripts, correspondence between the parties, any documents submitted by the parties, and any petitions for rehearing or judicial review.

Participating in a Commission Proceeding As a Member of the Public

You may also participate in the Commission's proceeding as a member of the public. This would allow you to present your views on the proposed project at the public portion of the proceedings by testifying in person, or submitting your comments in writing. You may do both if you wish. Your testimony at the public hearing is transcribed and read by the Commission. It is given full consideration along with the other testimony submitted at the public and technical hearings. All public and technical testimony is made part of the record on which the

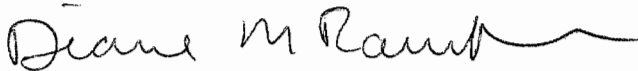
Commission bases its decision. If you attend the public hearing and fill out an appearance slip, you will be mailed a copy of the Commission's decision. You would not be required to prefile your testimony under the schedule for the proceeding or provide copies to the other parties. It is not difficult to testify at the public hearing. You would also be able to attend and observe the technical portion of the proceedings.

I have attached a copy of the Public Service Commission's publication "Public Hearing Guide-Electric Construction Projects" that provides additional information about participating in the Commission's proceedings. The Commission's procedure and practice rules may be found at <http://psc.wi.gov/thelibrary/admcode/admcode-index.htm>.

If you would prefer to participate as a member of the public, rather than as a full party, please notify the Administrative Law Judge prior to the prehearing conference. If you wish to intervene as a full party, your status is subject to determination by the Administrative Law Judge, and compliance with the procedural requirements in this proceeding. Please see the scheduling order dated August 21, 2006.

If you have additional questions, please contact Diane Ramthun at 608-267-9203 or at diane.ramthun@psc.state.wi.us.

Sincerely,



Diane M. Ramthun
Assistant General Counsel

DMR:hms:O:\Commission Dockets\137-CE-139\Full Party Letter

Enclosures

cc: Service List

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

4. The administrative law judge shall make a determination as soon as practicable, but in no event later than 30 days after the making of the request.

(d) In a proceeding the commission shall, and during the hearing in a proceeding the administrative law judge shall, permit a party or its representative to review the record and participate in any *in camera* proceedings, and may order any protective measures necessary to protect the trade secrets of parties and any information entitled to confidentiality protection.

Note: A person may request at any time that a record submitted under this section be disclosed under the Public Records Law, whether or not the person has participated in any of the determinations, or agreed to any of the protective measures, under this section.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

Subchapter II – Proceedings and Dockets

PSC 2.20 Parties. (1) **WHO ARE PARTIES.** The following are parties to proceedings or dockets:

(a) In a proceeding, a person filing an application is an applicant.

(b) In a proceeding, a person filing a complaint is a complainant.

(c) In a proceeding, a person filing a petition is a petitioner.

(d) In a proceeding, a person named as provided in s. PSC 2.07(3) is a respondent.

(e) A person admitted as a party in a proceeding under s. PSC 2.21 (1) or (2) or a person admitted as a party in a docket under s. PSC 2.21 (2) is an intervenor.

(f) Commission staff, if designated as provided in s. PSC 2.03 (2).

(2) **RIGHT TO TESTIFY.** A person may testify at a hearing without becoming a party.

(3) **NON-PARTY BRIEFS.** The commission may allow a non-party to file briefs as a friend of the commission.

(4) **INTERVENTION IN DOCKETS.** A person may intervene in a docket as provided in s. PSC 2.21 (2).

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.21 Intervention. (1) **INTERVENTION BY RIGHT.** A person whose substantial interests may be affected by the commission's action or inaction in a proceeding shall be admitted as an intervenor.

(2) **PERMISSIVE INTERVENTION.** A person not satisfying the criteria of sub. (1) may nevertheless intervene in a proceeding or docket if the person's participation likely will promote the proper disposition of the issues to be determined in the proceeding or docket and if the person's participation will not impede the timely completion of the proceeding or docket.

(3) **PROCEDURE.** A person requesting intervention in a proceeding shall file a request no later than 60 days after the issuance of the notice of proceeding, or within a different time set by the administrative law judge at the final prehearing conference. A person requesting intervention in a docket shall file a request no later than 60 days after the opening of the docket, or within a different time set by the commission at the time it opens the docket.

(4) **INTERVENTION OUT OF TIME.** (a) If a person fails to request intervention within the time prescribed in sub. (3), the person must request to intervene out of time. In acting on such a request, the commission or administrative law judge may consider all of the following:

1. Whether the requestor had good cause for failing to file the request within the prescribed time.

2. Whether any disruption of the proceeding or docket may result from permitting intervention.

3. If any prejudice to, or additional burdens upon, the existing parties may result from permitting the intervention.

(b) Except as otherwise ordered, a grant of an untimely request to intervene shall not be a basis for delaying or deferring any procedural schedule established prior to the grant of the request.

(c) The commission or administrative law judge may impose limitations on the participation of a late intervenor to avoid delay and prejudice to the other participants.

(d) Except as otherwise ordered, a late intervenor shall accept the record of the proceeding or docket as the record was developed prior to the late intervention.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.22 Representatives. A person desiring to participate in a docket, whether on his or her own behalf or as an authorized agent or attorney, shall enter an appearance in person by giving his or her name and address and the name and address of any party he or she represents and in what capacity he or she is employed by that party.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.23 Motions. (1) **HOW MADE.** A party seeking an order shall make a motion. Unless made during a hearing, a motion shall be made in writing, shall state with particularity the grounds for the motion, and shall set forth the relief requested.

(2) **RESPONSES AND REPLIES.** Parties may respond to a motion no later than 10 days after service of the motion. The movant may reply to a response no later than 5 days after service of the response.

(3) **MOTION TO ENLARGE TIME.** A motion to enlarge the time for service or filing for up to 3 days may be acted upon without awaiting a response to the motion.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.24 Discovery. (1) **METHODS OF DISCOVERY.** In an investigation or proceeding, depositions of witnesses may be taken by the commission or any party as provided in s. 196.33, Stats. In a proceeding, depositions and requests for the production of documents, data, or other information may be taken or made by the commission or any party as provided under ch. 804, Stats.

(2) **DISCOVERY MOTIONS.** Any motion pursuant to s. 804.12, Stats., shall include a certification that the movant has in good faith conferred or attempted to confer with the person subject to the motion in an effort to resolve their dispute without commission action.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.25 Synopsis or summary of the evidence.

(1) **SERVICE.** If the commission staff prepares a summary or synopsis of the evidence pursuant to s. 196.24 (3), Stats., commission staff shall serve it upon the parties to the proceeding.

(2) **RESPONSE.** A party who wishes to respond to a synopsis or summary of the evidence shall file a statement of additional or corrected facts no later than 10 days after service of the synopsis or summary.

(3) **ARGUMENT.** Neither a synopsis or summary or a response thereto shall contain argument. If a party believes that a synopsis or summary or another party's response contains argument, the party may file a motion to strike along with its response. The commission may strike, on its own motion, any response that contains argument.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.26 Briefs. (1) (a) Parties shall indicate on the record after the close of testimony whether they desire to file briefs. The party or parties having the affirmative shall file affirmative briefs within the time set by the administrative law judge. Other parties shall file reply briefs within the time set by the administrative law judge, which may be replied to as provided by the administrative law judge.

(b) Where a party having the affirmative does not desire to file a brief but another desires to do so, the administrative law judge shall specify the time and order for filing briefs. If the administra-

How are decisions made?

A briefing period may follow the hearing. Briefs are written arguments about issues the Commissioners need to decide. They are usually written by lawyers for the utilities and other parties.

The Commissioners read the transcripts, exhibits and briefs. An open meeting is then scheduled for the Commission to talk about the issues raised in the hearing and to make their decisions. They will decide whether the project will be built, how it is designed, and where it will be located. These meetings are held in Madison, are open for the public to observe, and are broadcasted over the Internet, via the PSC's website.

After the Commission reaches a decision, an order is issued. If you filled out an appearance slip when you attended a hearing and checked the box showing that you would like a copy of the order, the PSC will send you a copy.

How Do I Get More Information?

If you need more information about public hearings, please contact the PSC. If you have questions about a specific case, please contact the case's docket coordinator. If you do not know who the docket coordinator is please see the notice of hearing or contact the PSC.

The Public Service Commission of Wisconsin is an independent state agency that oversees more than 1,300 Wisconsin public utilities that provide natural gas, electricity, heat, steam, water and telecommunication services.



Public Service Commission of Wisconsin

P.O. Box 7854

Madison, WI 53707-7854

Telephone: 608-266-5481

Toll free: 888-816-3831

Consumer affairs: 608-266-2001 / 800-225-7729

TTY: 608-267-1479 / 800-251-8345

Fax: 608-266-3957

Website: <http://psc.wi.gov>

Public Hearing Guide

Electric Construction Projects



What is a Public Hearing?

A public hearing creates part of a permanent record that the Public Service Commission (PSC) reviews when deciding whether to approve, deny, or modify an electric transmission or power plant project. The PSC has a long tradition of encouraging public participation in its proceedings. Public hearings offer an opportunity for consumers, property owners, local government officials, industry representatives, and others to bring their thoughts and concerns to the attention of the Commission. Bringing these concerns and views to a public hearing is essential for the Commissioners to reach a fair and reasonable decision.

How Can I Be Part of This Process?

The Notice of Hearing is mailed to everyone on the PSC project mailing list. Public hearings are held in the area of the proposed construction project. Come to the hearing and express your views. You can also file public comments through the public comments section on the PSC website at (psc.wi.gov). The three PSC Commissioners make their decisions based on the permanent record of the hearing. PSC staff will be present at the hearing to assist you.

Is it Difficult to Testify?

It is easy to testify. A lawyer is not necessary and you do not need to stay for the entire hearing. Simply fill out an appearance slip to state that you would like to testify and wait to be called on by the Administrative Law Judge (ALJ). The ALJ ensures the hearing is conducted in a fair and orderly manner.

When you testify, the ALJ will ask you to give your name and address, and to begin your statement. Please speak clearly and at a steady rate so your statement can be accurately recorded by the court reporter. Sometimes the ALJ will ask a question to help ensure your testimony is clear. You will not be cross-examined. If you are with an organized group whose members share the same opinions, it is often best to choose one or two persons to testify on behalf of the entire group. If you are disabled or hearing impaired, special arrangements will be made for you if the PSC is notified ahead of time.

What should I say at the hearing?

The PSC is looking for facts, opinions, concerns and ideas. Your comments must be about the subject of the hearing, but may be about any aspect of the case. Environmental impacts and need for the proposed project are important actors.

While all hearings are open to the public, the best place for your comments is at a public hearing.

Do I Have to Testify?

You may fill out an appearance slip showing that you attended the hearing and were in support, against, or undecided about the utility project. You may also change your mind at any time during the public hearing and decide to testify or not.

Are There Other Types of Hearings?

The PSC frequently holds technical hearings. These hearings are usually held in Madison where PSC staff members, utility, and other parties provide exhibits and testimony.

Can I Get More Involved?

Individuals or groups who want to get more involved can request party status. To request party status you can attend the prehearing for the case or submit a request by the date set by the ALJ at the prehearing. You can contact the PSC at the address or telephone number on the back of this brochure for more information.

As a party, you will receive copies of the hearing transcripts and all documents that are exchanged between the parties; however, you must also supply all parties with copies of your documents and must file your testimony in writing by specified dates before the hearing. You will also have the opportunity to cross-examine witnesses, write briefs, and receive post-hearing petitions. You do not need to be a party to testify.

What Happens After a Hearing?

After the hearing is completed, the record is closed and no new information is added. The Commissioners can use only the record as a basis for their decision.